

ORDINANCE

ODT-0005-00

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN
INTERGOVERNMENTAL AGREEMENT BETWEEN
THE COUNTY OF DU PAGE AND THE
WINFIELD PARK DISTRICT
COUNTY FARM ROAD
COUNTY HIGHWAY 43 / SECTION 94-00179-05-GS

WHEREAS, the Winfield Park District (hereinafter the "DISTRICT") holds title to certain property along County Highway 43 (County Farm Road); and

WHEREAS, the County of DuPage (hereinafter the "COUNTY") desires to improve County Highway 43 (County Farm Road) (hereinafter the "IMPROVEMENTS"); and

WHEREAS, the COUNTY has developed plans and specifications for said IMPROVEMENTS, which requires acquisition of fee simple title and temporary easement to a portion of the DISTRICT'S property along said County Highway 43; and

WHEREAS, the COUNTY hereby determines that it is reasonable, necessary and in the public interest and welfare to use, occupy and improve a portion of the DISTRICT'S property in order to facilitate the IMPROVEMENTS; and

WHEREAS, the DISTRICT is empowered to convey their property interest to the COUNTY upon a two-thirds vote of the DISTRICT'S Board pursuant to the authority conferred by the Local Government Property Transfer Act, 50 ILCS 605/0.01 et. seq. (hereinafter "TRANSFER ACT") and

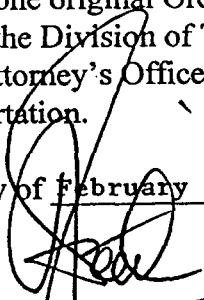
WHEREAS, as a condition precedent to a conveyance under Section 2, the transferee must first declare by ordinance "that it is necessary or convenient for it to use, occupy or improve" the real estate held by the transferor; and

WHEREAS, the parties are authorized to enter into the attached agreement pursuant to the authority granted in Article VII, Section 43 of the Illinois Constitution of 1970 and the Transfer Act.

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois:

1. The recitals set forth above are incorporated herein and made a part hereof.
2. The COUNTY hereby declares that it is necessary to use, occupy and improve certain real estate owned by the DISTRICT along County Highway 43.
3. The Chairman is hereby authorized and directed to sign on behalf of the COUNTY, and the Clerk is hereby authorized to attest thereto, the agreement entitled "INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF DUPAGE AND THE WINFIELD PARK DISTRICT PROVIDING FOR THE CONVEYANCE OF PROPERTY - COUNTY HIGHWAY 43 (COUNTY FARM ROAD)", which by reference is incorporated herein and made a part of this Ordinance.
4. The Division of Transportation is hereby authorized to take such action as may be necessary to carry out the terms of said Agreement.
5. The Clerk is hereby directed to transmit one original Ordinance and Agreement to the WINFIELD PARK DISTRICT through the Division of Transportation, and certified copies to Finance Department, State's Attorney's Office, Attn: Nancy Zimmer, and the DuPage County Division of Transportation.

Enacted and approved this 22nd day of February, 2000 at Wheaton, Illinois.


Robert J. Schillerstrom, Chairman
DuPage County Board

ATTEST:


Gary A. King, County Clerk

Ayes: 21
Absent: 3

**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE COUNTY OF DUPAGE AND THE WINFIELD PARK DISTRICT
PROVIDING FOR THE CONVEYANCE OF PROPERTY
COUNTY HIGHWAY 43 (COUNTY FARM ROAD)**

This AGREEMENT is made and entered into this 22nd day of February AD, 2000 by and between the County of DuPage, a body corporate and politic of the State of Illinois (hereinafter referred to as "COUNTY") and the Winfield Park District, a body corporate and politic of the State of Illinois (hereinafter referred to as "DISTRICT").

WITNESSETH

WHEREAS, the COUNTY has developed plans and specifications for the construction of an underpass of County Highway 43 (County Farm Road) at the Union Pacific Railroad, Sec. 94-00179-05-GS, (hereinafter referred to as the "IMPROVEMENTS"); and

WHEREAS, the DISTRICT holds title to certain property along County Highway 43 (County Farm Road) and along East Street in Winfield, Illinois as shown on Exhibit 1; and

WHEREAS, the COUNTY has determined that it is necessary to acquire fee simple title to a portion of the DISTRICT's property along County Highway 43 (County Farm Road) as shown on Exhibit 1; and

WHEREAS, the COUNTY holds title to certain property along East Street in Winfield, Illinois as shown on Exhibit 1; and

WHEREAS, the DISTRICT has been leasing the COUNTY owned property along East Street for recreational purposes and now desires to acquire the fee simple title to a portion of the property; and

WHEREAS, the COUNTY and the DISTRICT are municipalities as defined in Section 1(c) of "An Act In Relation To The Transfer Of Interests In Real Estate By Units Of Local Governments Or School Districts," 50 ILCS 605/1(c) (hereinafter the "Local Government Property Transfer Act"); and

WHEREAS, Section 2 of the Local Government Property Transfer Act, 50 ILCS 605/2, authorizes a municipality, pursuant to a Resolution passed by a two-thirds vote of the members of its corporate authority, to convey real estate to a municipality for any municipal or public purpose of the transferee municipality; and

WHEREAS, the Parties are empowered to enter into this Agreement pursuant to the authority granted in Article VII, Section 10, of the Illinois Constitution of 1970 and the Local Government Property Transfer Act.

NOW, THEREFORE, in consideration of promises, terms and considerations set forth herein, the parties agree as follows:

The COUNTY agrees to :

1. Construct the IMPROVEMENTS, at no cost to the DISTRICT, in accordance with the plans and specifications, including the construction of a right turn lane into Founder's Park and the relocation of the sidewalk fence north of the north entrance. A copy of said plans shall be provided to the DISTRICT.
2. Compensate the DISTRICT \$22,300 for the relocation of the ball field at Founders Park.
3. Prepare all documents necessary and convey to the DISTRICT the fee simple title to 6.7 acres of East Street Park as shown in Exhibit 1 at no cost to the DISTRICT. Said conveyance shall be subject to a fifty (50) foot Permanent Easement for Drainage Purposes reserved to the COUNTY along the easterly property line. In addition, the property shall be restricted in that no permanent building is to be constructed on it. Said conveyance shall be completed within 180 days of execution of this Agreement unless otherwise agreed upon by both parties.

The DISTRICT agrees to:

1. Relocate the landscaping adjacent to their sign at Founders Park adjacent to County Farm Road at no cost to the COUNTY.
2. Convey to the COUNTY the fee simple title to the property at Founders Park as legally described in Exhibit 2 at no cost to the COUNTY.
3. Grant a Temporary Easement to the COUNTY in the form as shown in Exhibit 3 over the land described in said Exhibit 3 at no cost to the COUNTY.
4. Convey to the COUNTY the fee simple title to the property at Sunnyside Park as shown in Exhibit 1 at no cost to the COUNTY.
5. Allow the COUNTY to utilize the ball fields at East Street Park one (1) evening a week on condition that the COUNTY provides written notice of use by April 1 preceding the summer of use. Written notice shall be directed to the attention of District's Executive Director.
6. Relocate the ball field at Founders Park by September 30, 2000.
7. Grant a Right of Entry to ComEd for the property at Founders Park as legally described in Exhibit 2 at no cost to the COUNTY for the installation of power poles providing the installation may be required prior to said conveyance of Item 2.

THE PROVISIONS set forth herein represent the entire AGREEMENT between the parties and supersede any previous oral or written negotiations and agreements. No provision may be modified in any respect unless such modification is in writing and signed by both parties.

THIS AGREEMENT shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns.

THIS AGREEMENT shall be executed in duplicate and each copy shall be deemed an original.

Dated at Wheaton, Illinois this 22nd day of February, 2000.

COUNTY OF DUPAGE

By:

Robert J. Schillerstrom, Chairman DuPage County Board

Attest:

Gary A. King, County Clerk

Dated at Winfield, Illinois this 16 day of FEBRUARY, 2000.

WINFIELD PARK DISTRICT

By:

Douglas Elson

Title:

President

Attest:

Mark J. Pankoff

Title:

Executive Director - Secretary

PROPERTY TO BE CONVEYED TO COUNTY

FOUNDER'S PARK WINFIELD PARK DISTRICT

AV

ST

RD

COOLEY

CHICAGO & NORTHWESTERN

LIBERTY

ANNYSIDE PARK TO BE CONVEYED TO COUNTY

EAST STREET PARK TO BE CONVEYED TO PARK DISTRICT

50 Ft. Permanent Easement to be reserved to the County for Drainage Purposes

6.7 Acres

**FOUNDER'S PARK
WINEFIELD PARK DISTRICT**

6.7 Acres

EAST STREET PARK TO BE CONVEYED TO PARK DISTRICT

**50 Ft. Permanent Easement
to be reserved to the County
for Drainage Purposes**

